

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:96-CR-197-4-F
No. 5:12-CV-114-F

UNITED STATES OF AMERICA,)
)
 v.)
)
 CLINTON BRINSON,)
 Defendant)

ORDER

This matter is before the court on Clinton Brinson's most recent motion [DE-316] to vacate, set aside or correct his sentence, pursuant to 28 U.S.C. § 2255. Brinson has filed many previous § 2255 motions.

Title 28, United States Code Section 2244 (3)(A) provides that "[b]efore a second or successive application permitted by [§ 2255] is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." Because Brinson has filed previous § 2255 petitions, this court is without jurisdiction to review the matter unless and until authorized to do so by the United States Court of Appeals for the Fourth Circuit.

Accordingly, this matter hereby is DISMISSED without prejudice for Brinson to seek authorization from the Fourth Circuit Court of Appeals to file a successive § 2255 petition in the Eastern District of North Carolina. No ground exists for a certificate of appealability, which therefore is DENIED.

SO ORDERED.

This, the 8th day of May, 2012.



JAMES C. FOX
Senior United States District Judge